

UNITED STATES BANKRUPTCY COURT FOR THE
EASTERN DISTRICT OF WISCONSIN

IN RE
Thomas Pascal

Debtor.

Chapter: 13

Case No. 17-29659-svk

**MOTION OF NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER FOR RELIEF FROM
THE AUTOMATIC STAY AND ABANDONMENT**

Nationstar Mortgage LLC d/b/a Mr. Cooper, the current mortgagee of record, its successors, servicing agents and/or assignees (hereinafter collectively and at all times material hereto "the movant"), through its attorneys, Gray & Associates, L.L.P., hereby moves the court for an order for relief from the automatic stay and abandonment pursuant to sections 362(d) and 554(b) of the Bankruptcy Code and alleges as follows:

1. The movant holds a promissory note and mortgage encumbering real property owned by the debtor(s) and located at 2451-2453 West McKinley Avenue, Milwaukee, Wisconsin 53205. A copy of the note and mortgage are being electronically filed with the court simultaneously with this motion and their contents are incorporated herein by reference. Copies of these and any other documents electronically filed in support of this motion are available upon request to counsel for the movant.

2. That since the commencement of this case (or the resolution of the prior motion for relief from the automatic stay herein, if any), post-petition monthly mortgage payments have not been received as required by the terms of the plan in this case and, accordingly, the movant's records reflect that the

Drafted by:

Jay Pitner
Gray & Associates, L.L.P.
16345 West Glendale Drive
New Berlin, WI 53151-2841
Phone: (414) 224-8404
Fax: (414) 224-1279
Email: jpitner@gray-law.com

Gray & Associates, L.L.P. is attempting to collect a debt and any information obtained will be used for that purpose. If you have previously received a discharge in a chapter 7 bankruptcy case, this communication should not be construed as an attempt to hold you personally liable for the debt.

following post-petition arrearage has accrued:

11/1/17 through 12/1/17	\$1,311.56
2 mortgage payments @ \$655.78	
Attorneys' fees and costs:	<u>981.00</u>
POST-PETITION ARREARAGE	<u>\$2,292.56</u>

3. That the default in payments constitutes "cause" for terminating the automatic stay under section 362(d)(1) of the Bankruptcy Code.

4. That failure to make the monthly payments has resulted in the loss of adequate protection of the movant's interest in the encumbered property, thereby entitling the movant to relief from the automatic stay under section 362(d)(1) of the Bankruptcy Code.

5. That the estimated fair market value of the property according to the local assessor's office is \$46,500.00.

6. That as of December 21, 2017, the total amount due the movant was approximately \$86,089.39.

7. That there is no equity in the property over and above the liens of the secured creditors, the exemptions claimed by the debtor(s), unpaid real estate taxes and other liens of record. The lack of equity in the property, which is unnecessary for an effective reorganization, entitles the movant to relief from the automatic stay under section 362(d)(2) of the Bankruptcy Code.

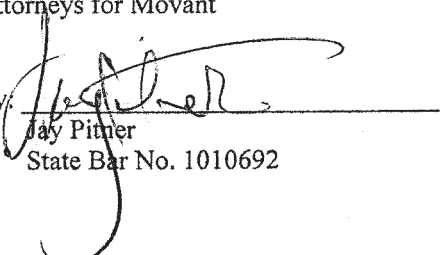
8. The allegations of the foregoing paragraphs indicate that the property is burdensome and of inconsequential value and benefit to the bankruptcy estate. The trustee should be ordered to abandon the estate's interest, if any, in the property pursuant to section 554(b) of the Bankruptcy Code, while reserving the estate's interest in any surplus funds which might exist if the property is sold and the movant has been paid in full.

WHEREFORE, the movant requests that the automatic stay be terminated pursuant to section 362(d) of the Bankruptcy Code so that the movant may protect, exercise and enforce its rights pursuant to said note and mortgage and that the court enter an order of abandonment regarding the property pursuant to section 554(b) of the Bankruptcy Code, that the movant's legal fees and costs associated with this

motion be approved, that any order entered pursuant to this motion be effective immediately upon its entry and for such further relief as may be just and equitable.

Dated this 5th day of January, 2018.

Gray & Associates, L.L.P.
Attorneys for Movant

By: 
Jay Pitner
State Bar No. 1010692

Standing Language-Motion for Relief:

Nationstar Mortgage LLC, services the loan on the property referenced in this Motion for Relief. In the event the automatic stay in this case is lifted/set aside, this case dismisses, and/or the debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of:

Nationstar Mortgage LLC d/b/a Mr. Cooper directly or through an agent, has possession of the promissory note. The promissory note is either made payable to Note-holder or has been duly endorsed.

United States Bankruptcy Court
Eastern District of Wisconsin

In re	Thomas Pascal <i>[Set forth here all names including married, maiden, and trade names used by debtor within last 8 years.]</i>)	
)	
)	
)	
	Debtor)	Case No.
)	<u>17-29659-svk</u>
Address	<u>2146 N 52nd St, Milwaukee, WI 53206</u>)	
)	
)	Chapter
Last four digits of Social Security or Individual Tax-payer Identification (ITIN) No(s), (if any):	<u>8677</u>)	<u>13</u>
)	
Employer's Tax Identification (EIN) No(s), (if any):	<u></u>)	
)	

**NOTICE OF MOTION OF NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER FOR
RELIEF FROM THE AUTOMATIC STAY AND ABANDONMENT**

Nationstar Mortgage LLC d/b/a Mr. Cooper, the current mortgagee of record, its successors, servicing agents and/or assignees (hereinafter collectively and at all times material hereto "the movant"), has filed papers with the court for an order for relief from the automatic stay and abandonment.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before January 19, 2018, you or your attorney must:

File with the court a written objection to the motion and a request for a hearing at:

Clerk, U.S. Bankruptcy Court
U.S. Courthouse
517 E. Wisconsin Avenue, Room 126
Milwaukee, WI 53202-4500

If you mail your request and objection to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

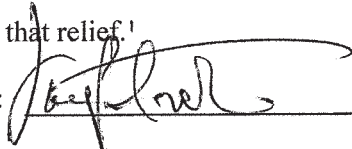
You must also send a copy to:

Jay Pitner
Gray & Associates, L.L.P.
16345 West Glendale Drive
New Berlin, WI 53151-2841

Rebecca R. Garcia
Chapter 13 Trustee
P.O. Box 3170
Oshkosh, WI 54903-3170

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.¹

Date: January 5, 2018

Signature: 

Name: Jay Pitner

Address: Gray & Associates, L.L.P.

16345 West Glendale Drive

New Berlin, WI 53151-2841

UNITED STATES BANKRUPTCY COURT FOR THE
EASTERN DISTRICT OF WISCONSIN

IN RE
Thomas Pascal

Debtor.

Chapter: 13

Case No. 17-29659-svk

CERTIFICATE OF SERVICE

I hereby certify that on January 5th, 2018, the notice of motion and motion for an order for relief from the automatic stay and abandonment was electronically filed in this case and served upon the following parties using the ECF system:

Rebecca R. Garcia Trustee


Eastern District U.S. Trustee

David G. Kingstad

I further certify that on the same date, I mailed the same document(s) by the United States Postal Service to the following non-ECF participants:

See Attached List

Dated this 5th day of January, 2018.


Jennifer J. Jarrett, Bankruptcy Analyst
Gray & Associates, L.L.P.

Gray & Associates, L.L.P. is attempting to collect a debt and any information obtained will be used for that purpose. If you have previously received a discharge in a chapter 7 bankruptcy case, this communication should not be construed as an attempt to hold you personally liable for the debt.